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COMMISSION ON HUMAN RIGHTS

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SUMMARY RECORD OF THE 25th MEETING
(FIRST PART*)

Held at the Palais des Nations, Geneva,
on Wednesday, 17 February 1993, at 3.30 p.m.

Chairman: Mr. ENNACEUR (Tunisia)

later: Mr. FLINTERMAN (Netherlands)

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* The summary record of the second part of the meeting appears as document E/CN.4/1993/SR.25/Add.1.

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The meeting was called to order at 3.50 p.m.

COMMEMORATION OF THE INTERNATIONAL YEAR OF THE WORLDS INDIGENOUS PEOPLE (agenda item 28) (continued)

1. Mr. GARRETON (Chile), speaking on behalf of the Group of Latin American and Caribbean countries, said that the inauguration of the International Year of the World's Indigenous People on 10 December 1992 had marked the beginning of the process of repaying an historic debt owed to the indigenous peoples of the world. The vast scope of the Year included historical, ethical, social, economic, legal and political aspects and its aim was to end centuries of oppression and marginalization and symbolize a new partnership in which paternalism was replaced by understanding and cooperation.

2. The Group of Latin American and Caribbean countries had asked for the current item to be included in the agenda because they understood the contribution to development that could be made by pluralism and ethnic and cultural diversity, and were seeking to promote respect and recognition for the rights and the spiritual and cultural values of indigenous people, in order to gain a greater understanding of their own history. They also saw the Year as marking a new era in which special importance would be given to the human rights of all poor and marginalized peoples. In that regard, he welcomed the decision to hold the World Summit for Social Development, which should also accord due weight to the concerns of indigenous peoples.

3. The Year should also give rise to a commitment by the Commission and the international community to bring indigenous peoples into the decision-making process and enable them to enjoy their civil, political, economic, social and cultural rights. It should also see increased respect for the harmonious and spiritual relationship enjoyed by indigenous peoples with the earth, nature and the environment.

4. Furthermore, the development models adopted by Governments should respect the priorities set by indigenous peoples themselves and avoid undermining their traditional sciences, techniques and practices. The concept of diversity should also be given full weight in the design, implementation and evaluation of development projects and programmes by United Nations agencies, through close coordination between Governments and indigenous communities so as to avoid imposing scientific and technical models contrary to their interests. It was also important for indigenous peoples to have a say in the decisions affecting them that were taken by international financing institutions.

5. Governments were required to step up their financial commitment to helping indigenous peoples and, while recognizing the problems faced by the countries of the South in that respect, he felt that new forms of technical cooperation among developing countries could help bring to fruition many of the projects already drawn up by indigenous communities. To that end, the Latin American and Caribbean countries had set up a special fund for the development of indigenous peoples in their region.

6. At the recent regional preparatory conference for the World Conference on Human Rights, the Governments of the countries of his region had recognized

the contribution made by indigenous peoples to their societies and reiterated their commitment to the economic, social and cultural development of those communities, as part of a new partnership, so as to ensure their human rights and fundamental freedoms, grant them cultural recognition, and fight extreme poverty.

7. Mr. NASSERI (Islamic Republic of Iran), speaking on behalf of the Group of Asian countries, said that indigenous peoples in different parts of the world faced common problems, such as the gradual disappearance of their languages and cultures, the loss of the land which constituted their livelihood and their lack of political influence over the decisions affecting them. In some countries, they had suffered neglect, exploitation, prejudice, racism, poverty and misery and had been deprived of health, housing, education, employment and welfare. The Asian Group welcomed the proclamation of the International Year of the World's Indigenous People as an opportunity to promote a greater understanding of the rich cultures and ways of life of indigenous peoples, thereby encouraging the tolerance of different values which was essential for avoiding conflict in the world.

8. He welcomed the valuable work accomplished by the Working Group on Indigenous Populations in developing standards for the rights of indigenous peoples, particularly by the preparation of the draft universal declaration of indigenous rights which would, he hoped, make a significant contribution to improving the situation of indigenous peoples across the globe.

9. However, more consideration should be given to the legal definition of indigenous peoples in order to avoid potential confusion. As understood in the Commission, the term applied only to specific populations and communities with clear historical and cultural backgrounds and could not be used for minorities, tribes or any other similar group.

10. The United Nations Conference on Environment and Development (UNCED) had adopted a consensus text recognizing the important role played by indigenous people in environmental management and development, because of their knowledge and traditional practices, and recommending that United Nations agencies and Governments should devise mechanisms for indigenous participation in decision-making on those matters.

11. The Asian Group supported the programme of activities for the Year and its main objectives, namely to encourage international cooperation between States and intergovernmental institutions, increase the participation of indigenous populations in the planning, implementation and evaluation of projects and policies that concerned them and promote public awareness of indigenous people. He urged Governments and United Nations bodies to participate actively in the Year to ensure that it produced a real impact on the populations concerned.

12. Mr. NANJIRA (Kenya), speaking on behalf of the Group of African countries, called for full implementation of Sub-Commission resolution 1992/34 and of General Assembly resolution 46/128 proclaiming the International Year of the World's Indigenous People. The Group expressed total solidarity with indigenous peoples all over the world and called for their involvement in the decision-making process at national, subregional, regional and international

levels on all questions relating to the Year. It also recognized the importance of the cultural and family values of indigenous peoples and called for universal respect for those values and for the way of life of all indigenous peoples.

13. Mr. SENE (Observer for Senegal) said that the International Year of the World's Indigenous People was of great significance for Africa because it was, to some extent, a response to the previous year's celebrations of the five hundredth anniversary of the discovery of America in 1492, which had marked the beginning of the suffering of the Amerindian populations there and of the black African slave trade.

14. The Year should mark the beginning of a new era, a period of historic transition following the end of the cold war and the search for a new world order. The purpose of the Year should be to convince world opinion of the justice of the cause of indigenous peoples. He commended the valuable work done by the United Nations in promoting and protecting the human rights of indigenous populations, recommended that the human rights treaty bodies should focus on the question and urged States to encourage democracy and political pluralism, to the benefit of their indigenous populations. The black population of South Africa constituted an example of an indigenous people which needed help in its struggle against the white minority to dismantle apartheid and establish a new non-racial and democratic constitution.

15. There must be a genuine partnership established to allow indigenous people to participate fully in the democratic life of the nations in which they lived. The Year should thus be a point of departure for genuine projects to improve the economic, social and cultural development of indigenous populations and improve the management of natural resources, enabling indigenous communities to maintain their historical continuity and preserve their cultural and environmental way of life. Encounters could be organized between indigenous populations to enable them to exchange experiences in those areas.

16. The representatives of the indigenous populations had voiced their views on the future of the planet at UNCED and it was to be hoped that they would make an equally valid contribution to the forthcoming World Conference on Human Rights.

17. Mr. ROGOV (Russian Federation) said that, by focusing its attention on the needs and aspirations of indigenous peoples and providing them with assistance, the world community was demonstrating its support of the principles contained in the Universal Declaration of Human Rights that all human beings were born free and equal in dignity and rights and should act towards one another in a spirit of brotherhood.

18. The call for a new partnership contained in the resolution adopted by the General Assembly on the International Year of the World's Indigenous People was to be understood in the context of the need for comprehensive strengthening and improvement of international cooperation in resolving the serious problems facing those people in various aspects of their lives, including the area of human rights. His delegation attached great importance to the preparation of the draft universal declaration of indigenous rights, in

view of the lack of legal provisions concerning the problems faced by the peoples concerned, a situation that had a negative impact on the effectiveness of the actions taken by the international community.

19. A careful examination of the problems at the World Conference on Human Rights, together with the adoption of specific decisions, would constitute another important component of the efforts of the international community to ensure and protect the rights of indigenous peoples.

20. One of the most complicated problems facing his Government, inherited from the recent past, was the situation of the indigenous people of Russia. Ignorance of their daily concerns, needs and aspirations and a formal bureaucratic approach to questions connected with their traditional way of life had led to a difficult and tragic situation, some of them being on the brink of extinction.

21. His Government was adopting firm and decisive measures to deal with the question and to give the country's indigenous people hope for the future. It consequently welcomed the commemoration of the International Year of the World's Indigenous People and, despite the difficulties and deprivation the country was facing, had found ways and means of improving the situation of the indigenous population during the Year. Thus, a decision by the President of the Federation had established a national committee to organize the commemoration of the Year and a comprehensive plan of practical measures had been adopted aimed at resolving the problems facing the indigenous communities in such areas as human rights, the environment, education and public health. The views of the indigenous peoples themselves had been taken into consideration in developing those measures.

22. In conclusion, he said that the world should take advantage of the experience of the indigenous people and establish an ongoing partnership with them with a view to resolving the ecological and other problems facing mankind.

23. Mr. GASPAR (Observer for Slovakia), speaking also on behalf of the delegations of the Czech Republic and Poland, said that, despite the progress made over the past 40 years, much remained to be done with regard to the protection of the rights of indigenous peoples, especially in the field of standard-setting and of implementation at the national and international levels. In that connection, the delegations he represented welcomed the Indigenous and Tribal Peoples' Convention (No. 169) adopted by the International Labour Organisation in 1989 and hoped that it would soon be ratified by a large number of States. They also supported the work of the Sub-Commission and its Working Group on Indigenous Populations to prepare a draft universal declaration of indigenous rights.

24. Greater efforts were required on the part of all human rights bodies to promote the rights of indigenous peoples through an integrated approach, emphasizing the principle of the indivisibility and interdependence of all human rights for both individuals and communities. That approach, which was gaining ground in United Nations development programmes, should be further strengthened through assessment of the economic, social and environmental

impacts of such programmes, so as to end the forced development of indigenous peoples and enhance their physical, cultural and spiritual existence.

25. The international community should realize that improving the situation of indigenous peoples also served to prevent potential conflicts. In that context, encouragement should be given for effective participation by indigenous peoples in the decisions directly affecting them.

26. Ms. WENSLEY (Australia), after referring to the statement made by the Prime Minister of Australia on the occasion of the launching of the International Year for the World's Indigenous People, said that a wide range of activities in her country would promote a new partnership between aboriginal and Torres Strait Islander peoples and the broader Australian community on the basis of improved knowledge and understanding. International conferences and media promotion were also being organized to enhance Australian awareness of the situation of indigenous peoples in other countries.

27. Activities to enhance the economic, social and cultural situation of aboriginal and Torres Strait Islander peoples would be carried out through government policies and programmes. The Government was using consultative forums to maximize opportunities for aboriginal and Torres Strait Islander peoples, non-governmental organizations and community-based individuals to contribute to the achievement of Australia's national objectives during the Year. Her Government was also supporting the United Nations efforts in that field through its contribution to the United Nations Voluntary Fund for Indigenous Populations.

28. The International Year must focus attention on the situation of indigenous peoples throughout the world and accelerate the implementation of measures to meet their legitimate needs and aspirations at both the international and national levels. At the end of the Year, the United Nations must evaluate, in conjunction with indigenous representatives, the results of the country activities undertaken, since the true success of the year could be measured only in terms of effective action for the long-term improvement of the lives of indigenous peoples everywhere.

29. Ms. PARK (Canada), recalling that her delegation had had the honour of introducing the commemorative resolution for the International Year in the General Assembly, said that Canada had participated actively in launching the Year and many of the international events that had preceded it. In addition, a number of commemorative activities were taking place domestically.

30. Over the years, her Government had been engaged in a dialogue to define further the rights of aboriginal people and to develop the means for their protection. The depth of its commitment to forming new partnerships with those people had never been more clearly demonstrated than during its recent efforts to amend the country's Constitution. Unfortunately, however, through a referendum, the Canadians - including most aboriginal Canadians - had decided that the proposed constitutional change was not acceptable. In the circumstances, no constitutional change was possible in the immediate future but her Government remained strongly committed to making significant progress in other ways, with particular reference to aboriginal self-government.

31. Some two years previously, it had renewed its commitment to creating a new relationship between aboriginal and non-aboriginal Canadians by announcing a "Native Agenda". Significant progress had been made towards achieving its four goals: accelerated settlement of land claims, enhanced social and economic conditions on reserves, improved relationships between aboriginal groups and governments, and addressing the concerns of aboriginal peoples in contemporary Canadian life. Moreover, a Royal Commission on Aboriginal Peoples had, in 1992, begun to examine the economic, social and cultural situation of those peoples in Canada.

32. The Government appreciated the work of the specialized agencies in the area of indigenous rights and noted, in particular, the International Labour Organisation's recent seminar, which had enabled the representatives of indigenous groups to meet representatives of the main elements of the United Nations development system.

33. Mr. SCHIFTER (United States of America) said that developments in travel and communications and other factors had brought cultures into closer contact, in many cases resulting in cultural clashes which were inevitably tragic for the indigenous peoples. It was therefore necessary to focus on practical solutions and policies that Governments could adopt to help indigenous peoples protect their cultural heritage and, to the extent that they wished, obtain the economic and social benefits a neighbouring culture might offer. There were no easy answers and much careful consideration was needed. In that connection, he commended the valuable work done by the United Nations system, particularly the Working Group on Indigenous Populations.

34. Mr. RATA (Observer for New Zealand) said that his delegation had enthusiastically supported the idea of holding an International Year for the World's Indigenous People since its very inception and had played an active part in its preparation. His Government had also contributed to the United Nations Voluntary Fund for Indigenous People. That was hardly surprising, since New Zealand was a country founded on a compact between two races - the Treaty of Waitangi. Implementation of the partnership principles incorporated in that Treaty had not been easy and much still remained to be done. However, in the context of the Treaty, an historic agreement on fisheries had been reached between the Government and the indigenous Maori people, demonstrating the willingness of both sides to participate in a process of dialogue leading to change and a commitment on the part of the Government to right past wrongs.

35. Commemoration of the International Year was being given a domestic dimension. A national committee, comprising representatives of the authorities, Maori representatives and one representative from the non-governmental organization community had been set up for the purpose. Non-governmental activity was an important element in underpinning the successful celebration of the Year from the standpoint of both indigenous peoples and Governments.

36. His Government was working both internationally and domestically to ensure that the principles of equitable partnership of the International Year were further implemented and looked forward, in that connection, to studying in detail the draft universal declaration of indigenous rights.

37. Mr. SALANDER (Observer for Sweden), speaking on behalf of the delegations of Denmark, Finland, Iceland and Norway as well as his own, said that the International Year for the World's Indigenous People was the starting point for new action with a view to promoting awareness about indigenous people and finding solutions to the problems they faced. It was essential to strengthen national and international cooperation with indigenous peoples throughout the world. In that context, the United Nations Voluntary Fund for Indigenous People was an important tool. The Governments of the Nordic countries which had made substantial contributions to the Fund, thus urged all Governments to contribute to it so that the indigenous peoples could themselves participate in the activities of the International Year.

38. The Governments of the Nordic countries paid special attention to programmes in the educational, health and environmental fields. An important task for them during the International Year was that of educating the general public about the culture of the Saami and encouraging an exchange of information between the Saami in the Nordic region. To that end, they had established committees, composed of Saami representatives and representatives from relevant ministries, which were preparing programmes in various fields.

39. The participants in the United Nations seminar on the situation of indigenous populations, held in Greenland in September 1991, had been able to see how the Eskimos and the Danish Government had developed a cooperation which was appreciated by all the parties concerned.

40. The Governments of the Nordic countries remained strongly committed to the goals of the International Year and to the promotion of the human rights of the world's indigenous people.

41. The CHAIRMAN said that the Commission had concluded its consideration of agenda item 28.

WORLD CONFERENCE ON HUMAN RIGHTS (agenda item 25) (continued)

42. Mr. GARRETON (Chile) said that, at the Commission's forty-eighth session, his delegation had stressed four issues which it considered to be of great importance, namely, the close relationship between democracy, development and human rights, the need for improvement in the machinery for monitoring respect for human rights, the rights of the indigenous peoples, and problems concerning the administration of justice. All of those issues were affected by a disturbing approach adopted in the preparations for the World Conference on Human Rights, which, if not corrected, might mean that the Conference would be unable to achieve its fundamental objectives. The concept of human rights was apparently being "State-centred" rather than "person-centred", although the history of human rights was primarily a struggle by individuals and peoples to obtain freedoms which had been denied them by States. The British colonies in North America and the French revolutionaries had both demanded freedoms denied them by sovereigns. The texts which they had produced focused on the "individual-State" relationship rather than on the "individual-individual" relationship and recognized that States might themselves commit abuses.

43. While the concepts of universality and interdependence were recognized by the Commission, the same did not appear true in the case of solidarity. Members of the Commission frequently referred to "non-interference", "non-selectivity" and "non-discrimination", etc., all of which were State-centred concepts. His delegation did not support unlawful interference policies on the pretext of human rights violations, rejected discrimination and deplored undue political use of human rights matters, but it did not agree that any of the State-centred concepts permitted evasion of international scrutiny of human rights violations.

44. The State-centred approach could also be observed in the concept which many delegations had of the right of peoples to self-determination. Many of their statements appeared to imply that self-determination belonged to Governments and that it rendered them sovereign in their treatment of their subjects. Nothing could be further from the truth: the International Covenants on Human Rights made it quite clear that it was peoples that possessed the inalienable right of self-determination.

45. The State-centred approach seemed to underlie the agenda of the Conference, as illustrated by the restrictions on the participation of non-governmental organizations. If such an approach - rather than that of the Universal Declaration of Human Rights - was adopted in Vienna, the hopes that peoples placed in the Conference would be doomed to frustration. He thus appealed to all participants to do everything in their power to ensure that the Conference reflected the spirit of the classical human rights texts and placed the human being at the centre of its work.

46. Mr. BLACKWELL (United States of America) said that his Government fully supported the World Conference on Human Rights, since building democracy and promoting fundamental rights and freedoms were twin goals of its foreign policy. At the end of the Conference, however, participants would have to ask themselves what they had accomplished for the people of the world, especially those suffering from infringement of their human rights and fundamental freedoms. If the answer to that question was to be a positive one, the Conference would have to strengthen the institution with a mandate to advance the cause of human rights around the world, namely, the Centre for Human Rights.

47. The Centre was notoriously understaffed and underfunded. The Assistant Secretary-General was an outstanding leader, but there was little he could accomplish without the necessary resources. The one per cent of the United Nations budget allocated to the Centre was clearly not enough for it to carry out the many tasks it had been asked to undertake or to make the fundamental impact that the Commission wished to see.

48. Budgets could not be expected to increase which meant that, if the Centre was to obtain increased funding, the money must be found elsewhere in the United Nations system. There was a need to identify waste and inefficiency, in both the Centre for Human Rights and elsewhere. Hard choices had to be made among deserving programmes and priorities established and expenditures throughout the United Nations system examined with a view to identifying funds which could be reallocated to support the Centre's new and existing programmes.

49. Many countries had approached the Centre for funding for advisory services and technical assistance in the field of human rights. Because of a lack of resources, adequate programmes could not always be funded, a situation that was unacceptable and must be changed. There was a great deal to be done. He was not referring to punitive action or sanctions against violators but to voluntary programmes to assist Governments that needed help and requested it.

50. The promotion and encouragement of human rights and fundamental freedoms appeared in Article 1, paragraph 3, of the United Nations Charter. That goal had thus been one of the key objectives of the founding fathers, and still remained a major objective of the United Nations.

51. In recent years, one of the most serious causes of human rights violations had been conflicts stemming from differences in ethnicity, race, religion or language, and the Conference should address the question of how such conflicts could be resolved or prevented. In the past, the international community had attempted to mediate in conflicts between nations and it could also mediate in conflicts within a country. The Centre for Human Rights could draw up a roster of persons with appropriate mediating skills and, when problem situations arose, it could, on request, ask such persons to assist the parties to the conflict or potential conflict to come together to discuss their problems in order to find solutions.

52. There were Governments that violated human rights as a matter of policy but there were others under which violations took place because the forces responsible for the maintenance of law and order and the administration of justice needed additional training or assistance. The Centre was already playing a commendable role in developing programmes to assist such Governments, but much more needed to be done, and broader and more effective programmes should be developed and implemented.

53. The great contribution of the Commission in its earliest years had been in promoting international recognition of human rights principles or standard-setting. That had been largely successful and the notion that summary execution, torture and arbitrary deprivation of liberty were unacceptable in some societies but acceptable in others - an essentially racist idea - was increasingly outmoded. Experience had shown that societies that respected the principles of the Declaration of Human Rights flourished, while those that flouted them stagnated.

54. Those principles, however, were obviously not self-enforcing. To draw attention to Governments which were violating human rights, the Commission had increasingly had recourse to country rapporteurs, but the drastic step of naming a specific country could be avoided by using thematic rapporteurs dealing with a specific group of human rights violations in a specific geographical setting. The World Conference could make a valuable contribution by endorsing the work of the rapporteurs and by enhancing the scope of the thematic rapporteurs.

55. Mr. ITO (Japan) said that the World Conference on Human Rights should focus primarily on the implementation of the existing international human rights standards. It should be an action-oriented Conference, and produce a set of concrete recommendations for improving adherence to human rights

instruments. It was gratifying that, despite much difficulty, the agenda for the Conference had been agreed upon at the last session of the General Assembly. While the views of States might differ, the experience of the Preparatory Committee had shown that confrontation would not achieve results.

56. The Asian Regional Meeting would be an important forum for exchanging views among the countries of the region, each of which had its distinctive culture and individual experience. That distinctiveness should not, however, be used to undermine the universality of human rights concepts and their application.

57. The relationship between development, human rights and democracy would undoubtedly be one of the main subjects addressed at the World Conference. While development could be a factor in the full realization of human rights, it must be emphasized that there could be no sustainable development without human rights and democracy. Development must therefore be such as to contribute to respect for human rights and fundamental freedoms. His delegation had difficulty in accepting the right to development as a human right, since the beneficiaries of human rights were individuals not States, but it hoped that the Conference would refrain from a lengthy and sterile debate on the issue.

58. The Centre for Human Rights was crucial to the efforts of the United Nations system to promote human rights, but the Centre's resources were severely restricted and ever-increasing demands were being made upon it. The World Conference must issue a clear signal that the Centre needed to be better equipped to play its role. His delegation hoped that the studies being made by the Centre would be available well in advance of the Preparatory Committee's fourth session.

59. Lastly, he was pleased to inform the Commission that his Government intended to make a contribution of US$ 100,000 to the Voluntary Fund, subject to parliamentary approval, so as to facilitate representation of the least developed countries at the World Conference.

60. Mrs. DI FELICE (Venezuela) said that the World Conference provided a unique opportunity for an overview of the international human rights system and the establishment of guidelines for promoting more effective implementation of those rights. The preparatory process for the Conference had revealed both the innate sensitivity of some of the issues involved and the great interest shown in them by the States. It had also highlighted the usefulness of an objective and impartial thematic approach to human rights. Every effort must be made to ensure that the Conference fully corresponded to the aspirations and new challenges which had called it into being.

61. The next session of the Preparatory Committee would be the decisive exercise in reconciling views. In that regard, the contributions of the non-governmental organizations and the conclusions reached at the regional preparatory meetings would, no doubt, be extremely useful. The Latin American and Caribbean Regional Meeting had resulted in a declaration which should provide valuable guidelines for the discussions at the Conference.

62. As acknowledged in the provisional agenda for the Conference, particular importance should be attached to the relationship between development, democracy and the universal enjoyment of all human rights, bearing in mind the fact that economic, social, cultural, civil and political rights were indivisible and interrelated. The Conference should also make recommendations to enhance the effectiveness of United Nations human rights activities and mechanisms, including the Commission, which, as the principal body in the United Nations system for dealing with human rights, should be strengthened.

63. The World Conference should be seen not as an end in itself but as a means of achieving a more systematic, up-to-date and comprehensive approach to human rights issues, within the wider perspective of promoting development and preserving international peace and security. Given such an approach, the Conference should succeed in narrowing the gap between aspirations and reality.

64. Mr. RODRIGO (Sri Lanka) said that the substantive work carried out during the regional preparatory process for the World Conference on Human Rights, as embodied in the Tunis and San José Declarations, and which would be supplemented by the conclusions and recommendations of the forthcoming Asian Regional Meeting in Bangkok, constituted valuable inputs to the World Conference on Human Rights. There had also been significant inputs from the United Nations and other international agencies and organizations and from non-governmental organizations.

65. Much of the preparatory work for the Conference having already been done, attention was focused on its outcome. In his delegation's view, the universal, objective and non-selective nature of human rights should be highlighted at the Conference as the basis for future international consideration of the subject. Recognition of the universal and indivisible nature of human rights was not incompatible with regional and national practices and customs. Its true meaning was that undue emphasis should not be given to one category of rights over another. The interrelationship between economic, social, cultural, civil and political rights was borne out by the fact that underdevelopment constituted a major obstacle to the enjoyment of human rights: accordingly, as foreseen in its agenda, recommendations emanating from the World Conference regarding the strengthening of international cooperation should stress the need to realize both economic, social and cultural rights and the right to development.

66. When reviewing the human rights mechanisms, the Conference should be reluctant to establish new bodies, whose mandates might overlap those of existing ones, and should endeavour to eliminate duplication in existing procedures. On the other hand, action to eliminate obstacles to the promotion of human rights could greatly enhance the effectiveness of the United Nations mechanisms.

67. One topic in the latter area to which the World Conference should devote attention was terrorism as an obstacle to the enjoyment of human rights. That phenomenon, which had become increasingly prevalent, should be condemned by the Conference and action initiated to eliminate it. Emphasis on new challenges and obstacles should not, however, overshadow long-standing issues

that had still not been resolved, such as apartheid and the right to self-determination of the Palestinians and other Arabs in the territories occupied by Israel.

68. The key principle of sovereignty, as embodied in the Charter, should form the basis of all the Conference's recommendations. Emphasis on that principle did not undermine the legitimacy of international concern about and obligations regarding human rights issues but was essential in the interests of maintaining international peace and security, the context for the enjoyment of human rights and the ultimate goal of the World Conference itself. Moreover, for practical reasons, discussion of divisive bilateral and other contentious country-specific issues should be eschewed.

69. Ms. SHABHARWAL (India) said that her country's commitment to human dignity, freedom and the rule of law was as old as its civilization. In the firm belief that all men, women and children were created equal with the fundamental human right to enjoy a life free from economic, social and political constraints, her delegation intended to work closely with all others to make the World Conference on Human Rights a success.

70. The mandate given by the General Assembly to the World Conference, and its proposed agenda, were pragmatic, balanced and universal, and the studies and documentation prepared for it would provide an essential input. Her delegation, which had been actively involved in the preparatory process for the Conference, attached great importance to the regional meetings as part of that process. It accordingly welcomed the successful conclusion of the regional meetings of the African and Latin American and Caribbean Groups and was looking forward expectantly to the Asian Regional Meeting.

71. Her delegation did not, however, believe that monitoring, combined with threats of sanctions, was the best way to achieve the realization of all human rights. Since establishing respect for human rights and fundamental freedoms was a slow and difficult evolutionary process, the message of the World Conference must be one of compassion and tolerance, designed to create an environment conducive to universal adherence to human rights treaties and their implementation by Governments.

72. In that connection, it must be stressed that economic underdevelopment, poverty and social tensions could not create the environment needed for sustaining democracy and promoting the rule of law: there must be a conscious effort to place development, without which democracy would wither away, at the centre of global concern, so that the weakest and the poorest were enabled to enjoy their human rights.

73. Like peace, the issue of human rights was both indivisible and universal, and the World Conference must avoid the pitfalls of selectivity and discrimination. It should not degenerate into an exercise in fault-finding and distributing blame, for no country or group of countries had exclusive competence in that area. Member States were committed to the goals identified in the Universal Declaration of Human Rights but it would be unrealistic to expect an identity of views or positions.

74. Human rights were universal and many were inalienable, but their priorities and implementation were conditioned by the social, traditional and cultural background of each society. While the aim was to move gradually towards uniform international norms for human rights, such norms should not be defined unilaterally and set up as absolute preconditions for interaction between States and societies in the political or economic spheres. The process would necessarily be a gradual one, and should be based on consensus.

75. In the course of its review of the effectiveness of United Nations human rights methods and mechanisms, the Conference would provide the necessary guidelines for the practical implementation of human rights. One of its recommendations should be a reinforcement of the advisory services of the Centre for Human Rights, which could play a useful role in promoting awareness and implementation of human rights without any violation of national sovereignty.

76. Terrorism, by groups and individuals, was a powerful impediment to the enjoyment of human rights, inasmuch as it undermined the foundations and constitutional guarantees of a democratic State. It was particularly pernicious when sponsored from abroad. Sponsorship or facilitation of terrorism, constituted a violation of the principles enshrined in the Charter and must be unequivocally condemned by the World Conference.

77. Mr. ZHANG Yishan (China) said that the forthcoming World Conference on Human Rights would take stock of the achievements and shortcomings of United Nations efforts to safeguard and promote human rights over the years and particularly in the period since the last major International Conference on Human Rights in 1968. The Conference should concentrate on questions of common concern to most countries and should give top priority to violations of human rights resulting from racism, racial discrimination, apartheid, colonialism, foreign aggression and occupation; should reiterate the principle of respect for State sovereignty; and should reaffirm the right of peoples to self-determination.

78. Moreover, in view of the fact that the unreasonable and unfair international economic order seriously hindered the peoples of the developing countries from enjoying their human rights, the Conference should reaffirm the right to development as an inalienable human right, and should introduce effective measures, including the establishment of a monitoring mechanism, for the realization of that right. It should also emphasize the indivisibility and interdependence of all human rights, advocate international cooperation on the basis of mutual respect, and avoid ideological debates and bilateral recriminations.

79. The provisional agenda for the World Conference did not yet include specific questions of grave concern to many countries, but they could be discussed at the fourth session of the Preparatory Committee. His delegation hoped that all sides would make joint efforts, on that occasion, to ensure that questions of common concern to most countries could be reflected in the World Conference's final document.

80. The African and Latin American countries had achieved good results in their regional preparatory meetings, and his delegation was sure that the

Asian regional preparatory meeting would also be successful, if the Asian countries cooperated in a spirit of mutual understanding and accommodation.

81. Mr. STROHAL (Austria) said it was to be hoped that the World Conference would adopt clear recommendations in a number of areas to make the international human rights system more effective, building upon the broad preparatory process of more than two years. An unprecedented number of non-governmental organizations (NGOs) had participated in the two regional meetings already held and the Asian Regional Meeting would undoubtedly make a further useful contribution.

82. As the central body in the international human rights system, the Commission on Human Rights was faced with an ever-increasing workload. The World Conference should identify ways to enable the Commission to respond more effectively and to allow States and intergovernmental and non-governmental organizations to cooperate more closely with it. In view of its growing responsibilities, the Centre for Human Rights must also have sufficient resources to carry out its duties. In that connection, his delegation paid tribute to the Centre's staff for the way that it had been able to integrate the preparations for the Conference into its already very heavy workload.

83. The World Conference must make the international human rights system more effective by adopting an integrated approach drawing upon all the elements of the system. It should open the way for an integrated United Nations programme for human rights to ensure realization of the goals set in the Universal Declaration and the subsequent adoption of standards at national level in all countries.

84. As the host country, Austria would do everything possible to ensure the success of the Conference. The United Nations complex in Vienna would provide sufficient space to allow Governments, national institutions, experts, representatives of intergovernmental and non-governmental organizations and the media to participate adequately. An NGO forum would precede the Conference. Prior to the fourth session of the Preparatory Committee, his delegation would circulate information on practical arrangements in Vienna, including opportunities for renting office space.

85. Mr. Flinterman (Netherlands) took the Chair.

86. Mr. PINTA GAMA (Brazil) said that his delegation was pleased that the text of General Assembly resolution 47/122, as adopted, had been basically the same as that submitted to the Preparatory Committee at its third session. The general nature of that text allowed delegations to raise issues of particular interest to them for possible inclusion in the final document. He suggested that all interested delegations start informal consultations as soon as possible on the content of the final text in order to facilitate the work of the Preparatory Committee. In his delegation's view, the final document should include a target-oriented programme or plan of action providing concrete support to national efforts in the field of human rights.

87. One question to be examined at the World Conference was the relationship between the universality of human rights and ethnic, cultural and religious peculiarities. When considering a specific country situation, the Commission

should take into account not only respect for political and civil rights but also the overall social, economic and cultural conditions, which might sometimes be the root causes of violations. However, those peculiarities must not be used to release States from the obligation of respecting universal human rights standards.

88. The World Conference should identify obstacles to further progress in the area of human rights and ways in which they could be overcome. The Commission's experience in dealing with such issues as extreme poverty would be particularly useful. Attention should also be given to the questions of violence, underprivileged status and unemployment and their incidence on the enjoyment of all human rights. It was to be hoped that the studies being prepared by the experts of the various regions at the request of the Secretariat would be available before the fourth session of the Preparatory Committee.

89. His delegation was pleased that the provisional agenda devoted a specific item to the interrelationship between development, democracy and human rights. As development and democracy were also human rights, it was essential to explore new and innovative approaches so as to enhance understanding of the triad. In that perspective, the debate on the collective and individual dimensions of the right to development should move forward more consistently and concretely. The protection and promotion of human rights was largely contingent upon the strengthening of democracy and the institutions of the rule of law, but their adequate functioning required material and financial resources, which were often scarce in the developing countries.

90. The advisory services provided by the Centre for Human Rights were of unquestionable value in disseminating human rights standards, but they were too narrow in scope to have a real impact on people's daily lives. Further action by the international community would thus be required to ensure full respect for human rights throughout the world, and the World Conference provided an excellent opportunity to decide upon such action. That had been his delegation's main objective in putting forward a draft resolution on strengthening the rule of law, which had become Commission resolution 1992/51. It hoped that it could count on the same unanimous support when it reintroduced the draft resolution under agenda item 11 (a) and that the World Conference would give serious consideration to that initiative.

91. Mr. DRZEWICKI (Poland) said that his delegation, which supported the holistic approach to human rights and the principle of their universality, non-selectivity and indivisibility, noted with appreciation that proper attention would be paid at the World Conference to the interrelationship between development, democracy and the universal enjoyment of all human rights.

92. The Commission should devote some time to deciding which topics should be examined at the World Conference and which should be addressed by the World Summit for Social Development in 1995. Such a division would enable the Conference to concentrate more specifically on human rights issues.

93. As not much time was left before the World Conference, the Commission should begin a discussion as soon as possible on the structure and content of

the Conference's draft final document. That called for close cooperation among all those involved in the preparatory process. It would be helpful if the Centre for Human Rights could produce an analysis of the relevant human rights issues, drawing upon the studies carried out in accordance with a decision of the Preparatory Committee.

94. His delegation drew the Commission's attention to the instructive discussion at the interregional conference held by the Council of Europe at the end of January 1993 on "Human rights at the dawn of the twenty-first century", in which experts and representatives of Governments and NGOs from all regions had participated. It was to be hoped that the proceedings of that meeting would soon be available. In that connection, he welcomed the idea of holding an NGO forum to accompany the World Conference.

95. Mrs. PAZ CAMPOS (Mexico) said that, during the preparatory process for the World Conference, a welcome convergence of opinions had emerged on giving priority to promoting and protecting all human rights, taking as a basic principle their indivisible and interdependent character and the criteria of universality, non-selectivity and objectivity in their implementation. In that way, the promotion of broad, non-selective and non-discriminatory international cooperation had emerged as a fundamental objective of the Conference. Such cooperation should complement the efforts being undertaken by States to overcome their own problems.

96. The interrelationship between development, human rights and democracy meant that future international relations should work towards effective economic and social development in order to promote the well-being of peoples and ensure peace and international security. To that end, it was necessary to overcome a number of economic and social problems and imbalances that were causing instability and jeopardizing the democratization process in a number of countries. Emphasis should be placed on the widening gap between industrialized and developing countries, extreme poverty, the absence of access to basic health, education and housing services, the unequal terms of trade, protectionism and the failure to transfer resources and technology.

97. It was important to abandon old ideas about giving priority to one category of human rights over others and imposing single models that disregarded the historical processes of other societies. Such prejudices had interfered with the dialogue on human rights questions, had unnecessarily politicized them and had led to the introduction of a double standard in considering country cases. Instead of creating new redundant human rights mechanisms, it would be preferable to improve the effectiveness of the existing structures.

98. Her delegation was concerned about initiatives that seemed to regard sovereignty as an outmoded concept. More than ever before, it was essential, in conformity with the Charter, to ensure respect for the principles of the sovereignty of States, self-determination and non-interference in the internal affairs of States. The broad interpretation that some had sought to give to those basic pillars of the Organizations entailed an immeasurable danger.

99. Mr. BAATI (Tunisia) said that the Tunis Declaration, adopted at the African Regional Meeting, reaffirmed the faith of all Africans in fundamental

human rights, the dignity and value of the individual and equality of rights for men and women. It reflected the belief that no ready-made model could be prescribed at the universal level since the historical and cultural realities of each nation and the traditions, norms and values of each people could not be disregarded.

100. The concerns of the African States, as developed in the 14 resolutions adopted at the Tunis meeting, underscored the principle of the indivisibility and universality of human rights, the role and responsibility of States, individuals, NGOs and national institutions in ensuring full implementation of basic human rights and international cooperation in the fight against xenophobia and all other forms of intolerance and religious extremism.

101. The humanitarian situation in Africa, brought about by natural disasters, the deteriorating environment, drought and famine, constituted an affront to mankind and posed a threat to peace in the region. The Tunis meeting had appealed to the international community to support the efforts of the African countries to face those problems and improve their capacity to provide the facilities and services needed to meet the needs of refugees, displaced persons and returnees.

102. The Tunis meeting had supported the initiative for extended negotiations on the elimination of apartheid by peaceful means and condemned the flagrant and systematic violations of human rights as a result of foreign occupation, particularly in Palestine and the occupied Arab territories, the armed conflict in Somalia and the policy of ethnic cleansing in Bosnia and Herzegovina.

103. Reiterating its appeal for greater international solidarity, the Tunis Declaration called upon the international community to fulfil its commitments to an appropriate increase in development assistance and to the settlement of the debt problem, with a view to promoting an international environment supportive of the efforts of the developing countries and of the realization of their national economic and social development strategies. The African countries were convinced that non-observance of those commitments ran counter to the goal of improving the human rights situation.

104. The economic difficulties arising from the persistence of an unfavourable international economic situation, the resultant social tensions, including the emergence of xenophobia, intolerance and extremism, which were at the root of many human rights violations, were all factors that compromise the efforts of the developing countries to ensure economic recovery and promote democracy and human rights.

The summary record of the second part of the meeting appears as document E/CN.4/1993/SR.25/Add.1.